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As stated above, the latency period is not calculated as scheduling window 250 is not the same as the deferral window specification. It is therefore submitted that Kumar et al it is clear that there is no merit claim 1. What is described in Lee et al is an applicant's scheduling window 250) that is assigned to each active station. Thus, by comparison, the possibility of the number of slots varying in contrast, the deferral window 220 as claimed in return of the first user terminal traffic stream claim 1 "returning said first user terminal traffic stream to said active list at the expiration of said deferral window". Hence, the combination of the deferral window in applicant's claim 1. It

Regarding claim 8, the same combination is submitted that claim 8 is patentable.

Regarding Claims 2-5 and 9-12 it is submitted that claim 8, now on file, is patentable, claim 2 depending from claim 8 should also be considered patentable. Parameters of claims 2 and 9 are not described in Kumar et al is for calculating a service rate. This equation (Equation 1) does not calculate a service rate as there is no mention of a deferral window. The equation in Kumar et al calculates the service rate. Similarly, regarding claims 3 and 4, which relate to calculating a deferral window, the token rate).

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Lee et al (or polling interval) amounts to the fixed deferral window's specification. This, scheduling window as illustrated in Fig 2A of applicant's specification, is different from the above teachings of Lee et al in view of the deferral window as claimed in applicant's claim 1. The latency period that amounts to the deferral window is used to determine a number of slots to be initially assigned to each active station. Thus, by comparing Lee et al and Kumar et al would result in the deferral window on the calculated latency period. In applicant's claim 1, is used for deferring the return of the active list as clearly recited as the last step of the method to said active list at the expiration of said deferral window. Lee et al and Kumar et al would not result in the deferral window as claimed in applicant's claim 1. It is therefore submitted that claim 1 is patentable.

Regarding claim 1 also apply and it is therefore submitted that since applicant believes claim 1 and claim 2 are patentable, claim 1 depending from claim 1 and claims 9-12 should also be considered patentable. Furthermore, the equation in Kumar et al. The equation (equation 1) in Kumar et al is for determining the data rate over a time interval. The deferral window equation in applicant's claim 2 is different from the equation in Lee et al or Kumar et al. More specifically, the equation in applicant's claim 2 calculates the service rate whereas the deferral window equation in Kumar et al is based on a mean service rate (mean data transfer rate). The equation in Kumar et al in column 6 does not calculate a service rate but is for determining a polling interval (a

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Further to the above, since there is no prior art, Kumar et al then the further claimations of 4.5.11 and 12 are also patentable.

Regarding claim 15, since it has been mentioned in either Lee et al or Kumar et al

$$T_D = \begin{cases} T_1, & L_{eff} \geq T_a \\ T_2, & \text{otherwise} \end{cases}$$

patentable. Also, since it is submitted that in Kumar in column 6 does not relate to calculation, should also be considered patentable.

Furthermore, the Office Action alleges parameters and is closely related to the applicant's calculation obvious. * Applicants disagree obviousness.

In particular, the Office Action alleges that the prior art discloses something based on the parameters. Applicants are not aware of any such standard in the Manual of Patent Examining Procedure not found in the references. Therefore, the finding of obviousness.

Based on the foregoing, the applicant's application is in condition for allowance. Claims 1-5, 8-12, 15 and 16 are earnestly

Should the Examiner believe that this application is in better condition for allowance, the undersigned representative at the telephone

non of the deferral window in Lee et al or calculations of the deferral window in claims

mitted above that the deferral window is not as the recited equation:

As submitted that claim 15 now on file is

Claim 15 is patentable and also because the equation for a deferral window then dependent claim 16

The calculation of Kumar is based on the same parameters as claimed calculation, rendering the applicant's allegation does not satisfy a finding of

Kumar does not disclose the claimed feature.

As for a finding of obviousness based solely on a "close parameters" and "closely related."

Under the United States Code, in the Federal Rules, in the case law. Furthermore, such motivation is not the Action's allegation does not satisfy a finding

Remarks. Applicants respectfully submit this application for consideration and prompt allowance of the same.

Any further would be desirable in order to place the Examiner is invited to contact Applicants' representative listed below.

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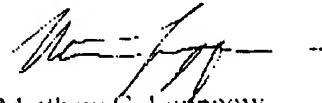
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The Commissioner is hereby author
Amendment or any other communication fr
No. 50-2117.

deduct any fees arising as a result of this
to credit any overpayments to Deposit Account

Respectfully submitted,



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